IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 113 of 2006

DATED: 7.8.2006

Between:

S.Subba Rao
petitioner

And

Chairman, Visakapatnam Port Trust,
Visakapatnam, A.P. and another
Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 113 of 2006

ORAL ORDER:

The letter No. VPES/PPS-1/SGP/05/399 dated 15.2.2005 of the second respondent holding that the petitioner is not entitled to the medical benefits in view of the Visakapatnam Port Trust Employees Contributory Outdoor and Indoor Medical Benefit (After Retirement) Regulations, 1992, is under challenge in the present writ petition.

The facts in brief, which are necessary for disposal of the present writ petition are that the petitioner worked as Higher Grade Assistant, Port Primary School (Godavari) Salagramapuram, Visakapatnam, run by the Visakapatnam Port Educational Society and retired as such on attaining the age of superannuation on 9.10.2003. The petitioner while in service, availed the medical services of the Visakapatnam Port Trust. Subsequent to retirement, medical facilities were not extended to him and questioning the said action of the respondent Port Trust he filed W.P.

No. 23346 of 2004. The said writ petition was disposed of by order dated 21.12.2004 directing the respondent therein to consider the representation of the petitioner dated 6.2.2004. Pursuant thereto, the second respondent issued the impugned proceedings dated 15.2.2005 rejecting the request of the petitioner on the ground that the Visakapatnam Port Trust Employees (Contributory Outdoor and Indoor Medical Benefits After Retirement) Regulations, 1992 are applicable only to the retired employees of Visakapatnam Port Trust and not to

the retired teaching and non-teaching staff of Visakapatnam Port Educational Society. Hence, the present writ petition.

A counter affidavit was filed by the respondent admitting the service rendered by the petitioner and extension of medical benefits while he was in service, however, it is specifically denied that the medical benefits were extended to the employees of schools run by the Port Trust management. The relevant paragraph of counter affidavit reads as under:

> "…..it is not true to say that the respondent management is extending the same medical benefits to theteaching & non teaching staff of Port Educational Society even after retirement by accepting the payment of Rs.600/-. This facility was provided only to the 1st respondent employees who retired from service, but not for the staff of the Port Educational Society. The medical benefit after retirement is only for the employees of the Port Trust as per the Visakapatnam Port Trust Employees Contributory Outdoor and Indoor Medical Benefit after retirement Regulations, 1992, which specifically indicates that the extension and application of the benefits to the employees who are entitled for it. Accordingly, as per the directions of the Hon'ble High Court of A.P. in W.P No. 23346 of 2004, the petitioner was informed that he is not an employee of Visakappatnam Port Trust but the petitioner in question is a retired teaching staff of the society and hence his representation was not considered."

It is the specific case of the respondent Port Trust that the "Visakapatnam Port Trust Employees Contributory Outdoor and Indoor Medical Benefit (After Retirement) Regulations, 1992" are only applicable to retired employees of Visakaptanam Port Trust but not to the retired teaching and non-teaching staff of Visakapatnam Port Educational Society. It is the further case of the respondent Port Trust

that there is no resolution passed by the Board extending similar benefits to retired teaching and non teaching staff of the Educational society on par with the retired employees of the Port Trust. When the statutory Regulations does not cover the retired teaching and non teaching staff of the Visakapatnam Port Educational Society for extension of medical benefits after retirement, and in the absence of any resolution passed by the Board extending similar benefits to the retired teaching and non teaching staff of the society, the impugned proceedings dated 15.2.2005 cannot be said to be illegal or arbitrary warranting interference of this Court.

There are no merits in the writ petition. Accordingly, the same is dismissed. No costs.

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N.V.RAMANA,J

DATE: 7-8-2006

TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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